

Message Text

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ORIGIN L-03

INFO OCT-01 EUR-25 ADP-00 SCA-01 JUSE-00 BNDE-00 SSO-00

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DRAFTED BY L/ M/ SCA: JABOYD

5/25/73 EXT. 23062

APPROVED BY L/ M/ SCA: KEMALMBORG

EUR/ WE: HYMCCOWN(SUBS)

JUSTICE: MRSTEIN(INFO)

BNDD: JSTRICKLER(INFO)

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O 251723 Z MAY 73

FM SECSTATE WASHDC

TO AMEMBASSY MADRID IMMEDIATE

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E. O. 11652: N/ A

TAGS: PFOR, CPRS, SNAR, SP

SUBJECT: EXTRADITION - MARIA ROSA MENDIELA DE TOSCANINO
AND ANTONIO FLORES

REFS: A. MADRID 2851; B. STATE 63539

1. EMBASSY INSTRUCTED TO RESPECTFULLY OBJECT TO THE APPLICATION OF THE THIRTY DAY PERIOD FOUND IN ARTICLE XI D OF THE 1970 EXTRADITION TREATY WHICH WENT INTO FORCE JUNE 16, 1971, TO CRIMES COMMITTED BEFORE ENTRY INTO FORCE OF THAT EXTRADITION TREATY. SUCH CRIMES HAVE PREVIOUSLY BEEN HANDLED UNDER TREATY OF 1904 WHICH HAS A TWO MONTH PERIOD IN ARTICLE XII. ARTICLE XVIII OF THE 1970 TREATY CLEARLY PROVIDES THAT CRIMES COMMITTED PRIOR TO ENTRY INTO FORCE OF THE 1970 TREATY SHALL BE SUBJECT TO PROVISIONS OF 1904 TREATY.

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2. JUSTICE IS DISAPPOINTED THAT EXTRADITION OF SUBJECT MENDIELA CANNOT BE ARRANGED PURSUANT TO THE SUGGESTIONS CONTAINED IN PARA 5 OF STATE 63539. DEPT WOULD BE GLAD

TO ENTERTAIN ANY OTHER POSSIBLE AVENUE BY WHICH EXTRADITION CAN BE ARRANGED PURSUANT TO TREATY OR SPANISH STATUTE.

3. EMBASSY INSTRUCTED TO EMPHASIZE THAT BOTH SUBJECTS ARE IMPORTANT NARCOTIC TRAFFICKERS WHICH JUSTICE WISHES TO BRING TO TRIAL IN U. S. SUBJECT FLORES IS ESPECIALLY IMPORTANT AS HE IS BNDD' S NUMBER ONE MOST WANTED NARCOTIC CRIMINAL.

4. IF GOS REFUSES TO APPLY TWO MONTH PERIOD FOR DOCUMENTS AND SEEKS TO RELEASE SUBJECTS BECAUSE LEGALIZED DOCUMENTS WERE NOT PRESENTED WITHIN THIRTY DAYS, POINT OUT THAT THIS ALLEGED DEFICIENCY SHOULD NOT ALONE PRECLUDE CONTINUATION OF THE EXTRADITION PROCEEDING IN THAT THE DOCUMENTS HAVE NOW BEEN PRESENTED. IN U. S. IF EXTRADITION WERE REQUESTED AND DOCUMENTS WERE PRESENTED AFTER PRESCRIBED PERIOD OF TIME, JUSTICE WOULD CONTINUE TO PROSECUTE THE CASE, ESPECIALLY WHEN THE SUBJECT IS STILL BEING DETAINED PURSUANT TO THE ORIGINAL PROVISIONAL ARREST. DEPT BELIEVES THIS TO BE LEGAL PROCEDURE WHICH WOULD EXTEND TO THE BENEFIT OF THE GOS IF THE CIRCUMSTANCES SHOULD ARISE AND HOPES THAT GOS WOULD BE WILLING TO FOLLOW SAME PROCEDURE NOW.

5. AS FINAL POSSIBILITY, EXPLORE OPPORTUNITY OF HAVING SUBJECTS RETURNED TO U. S. PURSUANT TO DEPORTATION PROCEEDINGS. FLORES IS SAID TO HAVE HAD TWO FALSE PASSPORTS AND HAS HISTORY OF NARCOTICS CRIME AS DOES MENDIELA. PERHAPS THEY COULD BE DEPORTED TO USA AS UNDESIRABLES. IN SUCH AN UNDERTAKING, THE LAW OF SPAIN AND THE COOPERATION OF GOS WOULD BE NEEDED. DEPT OF STATE WOULD BE WILLING TO PAY FOR THE COSTS OF AIRPLANE FLIGHT TO U. S. AND TO PROVIDE TWO ESCORT OFFICERS FOR LIMITED OFFICIAL USE

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SUCH FLIGHTS. RUSH

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*** Current Handling Restrictions *** n/a

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